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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,263	03/26/2004	Boris Kalinichenko	08575-104001	1624

26161 7590 03/25/2009
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

DEGA, MURALI K

ART UNIT	PAPER NUMBER
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3621

NOTIFICATION DATE	DELIVERY MODE
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03/25/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/811,263	Applicant(s) KALINICHENKO ET AL.	
	Examiner Murali K. Dega	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) None is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Acknowledgements

1. This office action is in response to the amendment filed on 07 January 2009.
2. Claims 1-20 are pending and have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al. (US 2003/0055689) in view of Lecouturier (US 2004/0158483).
5. With respect to claims 1 and 14:
6. Block discloses a method comprising:
 - a. transmitting an electronic form for display to a customer (*"electronic form", Fig. 5, "pull-down menu", Figs. 7-14 and "the member to turn on or "power-up" his/her device for entering the Internet 12 to obtain access to the system website 14", ¶ [0065]*).
 - b. receiving user-entered data for at least one field present in the electronic form (*"prompts the member to then enter the PIN number, biometric information, or other identifying data", ¶ [0065]*).

c. wherein the form includes a link that, when activated, establishes a voice channel between the passenger and a customer representative (*"the member to turn on or "power-up" his/her device for entering the Internet 12 to obtain access to the system website 14. Next, the member either uses speed dialing via step 142, or direct dialing via step 144 for dialing up AirportAmerica's 800 number", ¶ [0065]*).

d. the link includes a unique identifier (*"prompts the member to then enter the PIN number, biometric information, or other identifying data", ¶ [0065]*) associated with the user- entered data that enables a customer representative to view the user- entered data.

7. With respect to claim 2:

8. Block discloses retrieving, by a computing device associated with the customer representative, the user-entered data based on the unique identifier (*The system stores identification information to verify access device possession to prohibit unauthorized use of the system and to provide security pre-clearance to system members", Abstract*).

9. With respect to claims 3 and 17:

10. Block discloses further comprising authenticating a user before transmitting the electronic form (*"Each member's identification and authentication information is stored on the OneTouch issued to the member", ¶ [0157]*).

11. With respect to claim 4:

12. Block discloses providing the electronic form comprises transmitting the electronic form for display on a wireless handheld device (*"the member to turn on or "power-up" his/her device for entering the Internet 12 to obtain access to the system website 14", ¶ [0065]*).

13. With respect to claims 6 and 20:

14. Block discloses the electronic form is for making a reservation with a transportation service provider (*"electronic form", Fig. 5, "pull-down menu", Figs. 7-14*).

15. With respect to claim 8:

16. Block discloses the reservation is associated with reserving a vehicle and a driver (*"ground transportation", Abstract, and "asking the member whether they require car rental reservations, parking reservations, hotel reservations, restaurant reservations, ground transportation, and so forth", ¶ [0069]*).

17. With respect to claims 9 - 13,

18. Block discloses a first computing device (*"the member to turn on or "power-up" his/her device for entering the Internet 12 to obtain access to the system website 14, ¶ [0065]*), receiving user entered data (*"electronic form", Fig. 5, "pull-down menu", Figs. 7-14*), calling the customer representative (*Next, the member either uses speed dialing via step 142, or direct dialing via step 144, ¶ [0065]*), a second device (*Fig. 1, item 2*), Wireless handheld device (*"cell phone", ¶ [0010]*), input via voice activated commands (*"The system includes voice recognition means for permitting a user to communicate via voice commands", ¶ [0010]*).

19. With respect to claim 18:

20. Block discloses wherein the instructions are further operable to cause the data processing apparatus to transmit the electronic form for display on a wireless handheld device (*"electronic form", Fig. 5, "pull-down menu", Figs. 7-14 and "the member to turn on or "power-up" his/her device for entering the Internet 12 to obtain access to the system website 14", ¶ [0065]*).

21. With respect to claims 5 and 19:

22. Block discloses a demand responsive transportation system that uses customer specific identification information. Block's DRT system uses customer specific device based identification information (*"Dialing in or connecting from a compatible, identifiable, communication device allows the system to identify the member instantly", ¶ [0010]*), but does not explicitly disclose use of customer telephone number being used as an extension of unique identifier. However, Lecouturier teaches use of passenger's phone number in combination with personal code (*"passenger 110 telephones minutes before leaving home to Passengers on Demand Routes Data Function 111 and provides a personal code. Passengers Data function 111 (i) recognizes the phone number and personal code of passenger...", ¶ [0085]*).

23. With respect to claim 7:

24. Lecouturier discloses receiving user-entered data comprises receiving user-entered data corresponding to a pick-up location, a drop-off location, a date service is required, and a time service is required (Abstract, paragraphs [0004] and [0010] where passenger pick-up locations, destinations and time are discussed).

25. With respect to **claim 15**:

26. Lecouturier discloses the instructions are further operable to cause the data processing apparatus to enable the customer service representative to entering additional information not included in the user-entered data to make a reservation to enable dispatching a car and billing the passenger accordingly (Abstract, claims 13, 14 and 16, paragraph [0103], where a system for information storing and retrieving, guiding the driver and charging the passengers is provided).

27. With respect to **claim 16**:

28. Lecouturier discloses the instructions are further operable to cause the data processing apparatus to retrieve, by a computing device associated with the customer representative, the user-entered data based on the unique identifier (Claims 14 and 16, where a software program storing and verifying passenger information and databases that are used to authenticate passenger data and paragraphs [0029] and [0085], where use of phone number and databases are disclosed).

29. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention to have combined different aspects of demand responsive transportation system of Block and Lecouturier to provide a private transportation with dispatch application program, passenger data storing system and transport reservation system with pick-up location, destination and time of pick-up using passenger specific unique identification information including passenger's phone number and/or biometric information, in order to provide a safe and easy to use demand responsive transportation system that will result in high customer satisfaction through error free transportation arrangements.

Response to Arguments

30. Applicant's arguments with respect to previous prior art rejections have been considered but are moot in view of the new ground(s) of rejection.

Definitions

31. To the extent that the Examiner's interpretations are in dispute with Applicants' interpretations, the Examiner hereby adopts the following definitions—under the broadest reasonable interpretation standard—in all his claim interpretations.¹

Moreover, while the following list is provided in accordance with *In re Morris* (127F.3d 1048, 44 USPQ2d 1023 (Fed. Cir 1997)), the definitions are a guide to claim terminology since claim terms must be interpreted in context of the surrounding claim language. Finally, the following list is not intended to be exhaustive in any way:

32. **Device:** "A generic term for a computer subsystem. Printers, serial ports, and disk drives are often referred to as devices; such subsystems frequently require their own controlling software called device drivers." Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997.

33. **Adapt:** "To make fit (as for a specific or new use or situation" – Merriam-Webster Collegiate Dictionary, 10th Ed.

¹ While most definitions are cited because these terms are found in the claims, the Examiner may have provided additional definition(s) to help interpret words, phrases, or concepts found in the definitions themselves or in the prior art.

Conclusion

34. The Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the Applicant, in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

36. Ho (US 6,754,634 B1) -- A system and method for transportation scheduling, with plurality of vehicles and plurality of candidates.

- a. Robertson (US 2004/0102979) – a method for electronic passenger services over a distributed network.
- b. Schoen (US 7,231,355) – a method for tracking passengers and luggage.
- c. Bolger (US 5,168,451) -- a demand responsive transportation system in automated local service areas.
- d. Behnke (US 4,360,875) – a door-to-door demand responsive public transportation system.
- e. Poykko (US 2008/0270204) – a method for enabling passengers to share transportation effectively and conveniently.

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

38. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Murali K. Dega whose telephone number is (571)270-5394. The examiner can normally be reached on Monday to Thursday 7.30 to 4.00 ET.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571)272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

41. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M.D/

Art Unit 3621

/ANDREW J. FISCHER/

Supervisory Patent Examiner, Art Unit 3621